

WHITE & CASE

**MEMO ENDORSED**

November 10, 2015

By ECF

The Hon. Richard M. Berman  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street, Courtroom 17B  
New York, NY 10007

Defense application re: production by Govt + new filing dates is GRANTED.	
White & Case LLP 1155 Avenue of the Americas New York, NY 10036-2787 T: 212 810 8200 whitecase.com	
SO ORDERED Date: 11/12/15	Richard M. Berman Richard M. Berman, U.S.D.J.

Re: *United States v. Buryakov*, No. 15-cr-00073 (S.D.N.Y.)

Dear Judge Berman,

We represent Defendant in the above-referenced action. We reluctantly write to request an extension of the Classified Information Procedures Act ("CIPA") filing schedule that the Court set at the October 19 status conference, under which Defendant is to file his CIPA Section 5 notice by November 12, 2015. At that conference we said we would use our best efforts to meet the November 12 date suggested by the Court. That commitment was one we thought we could meet based on the Government's statement to us before the hearing that they had completed production of classified information.

Unfortunately, on November 6, the Government informed us that it intended to produce additional classified discovery. As of today, we have only received a portion of that discovery, and the Government has informed us that it is "aiming" to produce the remainder, which it has told us will be even more voluminous than that already produced this week, later this week. The new material already produced requires close review and we assume the same will be true of the additional material not yet produced.

Accordingly, while we have been working diligently to meet the November 12 deadline, due to the volume of classified material produced, including this recent production—and with the Government making clear that it is not done producing classified material, we reluctantly request additional time to evaluate the classified materials and file our Section 5 notice.

We remain very concerned that these continued productions of classified information unnecessarily increase defendant's period of pre-trial custody, which is now almost 10 months. We have received no explanation for why this classified material was not produced before, especially given the Government's statement that all classified discovery had been produced. Nor has the Government committed that this production, once completed, will be the last one of classified material. Accordingly, we request that the Court order the Government to complete all classified discovery by November 16, 2015.

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We have raised the issue of extending our deadline to file the Section 5 notice with the Government who agrees that the present schedule should be extended. We therefore respectfully request, with the Government's consent, that the Court extend the deadline for Defendant to his Section 5 CIPA notice to November 24, 2015. All other deadlines set by the Court for the CIPA briefing would be extended by 12 days.

Respectfully submitted,



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